

1 MONTI J. LEVY
2 Nevada State Bar No. 8158
3 WRIGHT MARSH & LEVY
4 300 S. Fourth Street, Suite 701
5 Las Vegas, NV 89101
6 Phone: (702) 382-4004
7 Fax: (702) 382-4800
8 Email: mlevy@wmllawlv.com
9 Attorney for Benito Alberto Inzunza-Sierra

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 BENITO ALBERTO INZUNZA-SIERRA,

16 Defendant.

17 Case Nos. 2:18-CR-00038-APG-NJK
18 2:18-CR-00047-APG-NJK

19 Motion to Continue Sentencing and
20 Revocation Hearing

21 The defendant, Benito Alberto Inzunza-Sierra, by and through his attorney of record,
22 MONTI J. LEVY, ESQUIRE, WRIGHT MARSH & LEVY, hereby moves that the currently
23 scheduled sentencing and revocation hearing set for Tuesday, November 20, 2018 at 9:00 a.m.
24 be vacated and set to a date and time convenient to this Court but no sooner than ninety (90)
25 days. The government opposes this request.¹ As such, this request is filed as a motion and not
26 a stipulation

27 DATED this 16th day of November, 2018.

28 WRIGHT MARSH & LEVY

30 By: /s/ Monti J. Levy

31 MONTI J. LEVY
32 Attorney for Mr. Inzunza-Sierra

33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
7010
7011
7012
7013
7014
7015
7016
7017
7018
7019
7020
7021
7022
7023
7024
7025
7026
7027
7028
7029
7030
7031
7032
7033
7034
7035
7036
7037
7038
7039
7040
7041
7042
7043
7044
7045
7046
7047
7048
7049
7050
7051
7052
7053
7054
7055
7056
7057
7058
7059
7060
7061
7062
7063
7064
7065
7066
7067
7068
7069
7070
7071
7072
7073
7074
7075
7076
7077
7078
7079
7080
7081
7082
7083
7084
7085
7086
7087
7088
7089
7090
7091
7092
7093
7094
7095
7096
7097
7098
7099
70100
70101
70102
70103
70104
70105
70106
70107
70108
70109
70110
70111
70112
70113
70114
70115
70116
70117
70118
70119
70120
70121
70122
70123
70124
70125
70126
70127
70128
70129
70130
70131
70132
70133
70134
70135
70136
70137
70138
70139
70140
70141
70142
70143
70144
70145
70146
70147
70148
70149
70150
70151
70152
70153
70154
70155
70156
70157
70158
70159
70160
70161
70162
70163
70164
70165
70166
70167
70168
70169
70170
70171
70172
70173
70174
70175
70176
70177
70178
70179
70180
70181
70182
70183
70184
70185
70186
70187
70188
70189
70190
70191
70192
70193
70194
70195
70196
70197
70198
70199
70100
70101
70102
70103
70104
70105
70106
70107
70108
70109
70110
70111
70112
70113
70114
70115
70116
70117
70118
70119
70120
70121
70122
70123
70124
70125
70126
70127
70128
70129
70130
70131
70132
70133
70134
70135
70136
70137
70138
70139
70140
70141
70142
70143
70144
70145
70146
70147
70148
70149
70150
70151
70152
70153
70154
70155
70156
70157
70158
70159
70160
70161
70162
70163
70164
70165
70166
70167
70168
70169
70170
70171
70172
70173
70174
70175
70176
70177
70178
70179
70180
70181
70182
70183
70184
70185
70186
70187
70188
70189
70190
70191
70192
70193
70194
70195
70196
70197
70198
70199
70100
70101
70102
70103
70104
70105
70106
70107
70108
70109
70110
70111
70112
70113
70114
70115
70116
70117
70118
70119
70120
70121
70122
70123
70124
70125
70126
70127
70128
70129
70130
70131
70132
70133
70134
70135
70136
70137
70138
70139
70140
70141
70142
70143
70144
70145
70146
70147
70148
70149
70150
70151
70152
70153
70154
70155
70156
70157
70158
70159
70160
70161
70162
70163
70164
70165
70166
70167
70168
70169
70170
70171
70172
70173
70174
70175
70176
70177
70178
70179
70180
70181
70182
70183
70184
70185
70186
70187
70188
70189
70190
70191
70192
70193
70194
70195
70196
70197
70198
70199
70100
70101
70102
70103
70104
70105
70106
70107
70108
70109
70110
70111
70112
70113
70114
70115
70116
70117
70118
70119
70120
70121
70122
70123
70124
70125
70126
70127
70128
70129
70130
70131
70132
70133
70134
70135
70136
70137
70138
70139
70140
70141
70142
70143
70144
70145
70146
70147
70148
70149
70150
70151
70152
70153
70154
70155
70156
70157
70158
70159
70160
70161
70162
70163
70164
70165
70166
70167
70168
70169
70170
70171
70172
70173
70174
70175
70176
70177
70178
70179
70180
70181
70182
70183
70184
70185
70186
70187
70188
70189
70190
70191
70192
70193
70194
70195
70196
70197
70198
70199
70100
70101
70102
70103
70104
70105
70106
70107
70108
70109
70110
70111
70112
70113
70114
70115
70116
70117
70118
70119
70120
70121
70122
70123
70124
70125
70126
70127
70128
70129
70130
70131
70132
70133
70134
70135
70136
70137
70138
70139
70140
70141
70142
70143
70144
70145
70146
70147
70148
70149
70150
70151
70152
70153
70154
70155
70156
70157
70158
70159
70160
70161
70162
70163
70164
70165
70166
70167
70168
70169
70170
70171
70172
70173
70174
70175
70176
70177
70178
70179
70180
70181
70182
70183
70184
70185
70186
70187
70188
70189
70190
70191
70192
70193
70194
70195
70196
70197
70198
70199
70100
70101
70102
70103
70104
70105
70106
70107
70108
70109
70110
70111
70112
70113
70114
70115
70116
70117
70118
70119
70120
70121
70122
70123
70124
70125
70126
70127
70128
70129
70130
70131
70132
70133
70134
70135
70136
70137
70138
70139
70140
70141
70142
70143
70144
70145
70146
70147
70148
70149
70150
70151
70152
70153
70154
70155
70156
70157
70158
70159
70160
70161
70162
70163
70164
70165
70166
70167
70168
70169
70170
70171
70172
70173
70174
70175
70176
70177
70178
70179
70180
70181
70182
70183
70184
70185
70186
70187
70188
70189
70190
70191
70192
70193
70194
70195
70196
70197
70198
70199
70100
70101
70102
70103
70104
70105
70106
70107
70108
70109
70110
70111
70112
70113
70114
70115
70116
70117
70118
70119
70120
70121
70122
70123
70124
70125
70126
70127
70128
70129
70130
70131
70132
70133
70134
70135
70136
70137
70138
70139
70140
70141
70142
70143
70144
70145
70146
70147
70148
70149
70150
70151
70152
70153
70154
70155
70156
70157
70158
70159
70160
70161
70162
70163
70164
70165
70166
70167
70168
70169
70170
70171
70172
70173
70174
70175
70176
70177
70178
70179
70180
70181
70182
70183
70184
70185
70186
70187
70188
70189
70190
70191
70192
70193
70194
70195
70196
70197
70198
70199
70100
70101
70102
70103
70104
70105
70106
70107
70108
70109
70110
70111
70112
70113
70114
70115
70116
70117
70118
70119
70120
70121
70122
70123
70124
70125
70126
70127
70128
70129
70130
70131
70132
70133
70134
70135
70136
70137
70138
70139
70140
70141
70142
70143
70144
70145
70146
70147
70148
70149
70150
70151
70152
70153
70154
70155
70156
70157
70158
70159
70160
70161
70162
70163
70164
70165
70166
70167
70168
70169
70170
70171
70172
70173
70174
70175
70176
70177
70178
70179
70180
70181
70182
70183
70184
70185
70186
70187
70188
70189
70190
70191
70192
70193
70194
70195
70196
70197
70198
70199
70100
70101
70102
70103
70104
70105
70106
70107
70108
70109
70110
70111
70112
70113
70114
70115
70116
70117
70118
70119
70120
70121
70122
70123
70124
70125
70126
70127
70128
70129
70130
70131
70132
70133
70134
70135
70136
70137
70138
70139
70140
70141
70142
70143
70144
70145
70146
70147
70148
70149
70150
70151
70152
70153
70154
70155
70156
70157
70158
70159
70160
70161
70162
70163
70164
70165
70166
70167
70168
70169
70170
70171
70172
70173
70174
70175
70176
70177
70178
70179
70180
70181
70182
70183
70184
70185
70186
70187
70188
70189
70190
70191
70192
70193
70194
70195
70196
7019

1

MEMORANDUM OF POINTS AND AUTHORITIES

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

On June 5, 2018, Mr. Inzunza-Sierra pleaded guilty, by way of plea agreement, to count one of the superseding information. ECF 33, 34. Specifically, he pleaded guilty to possession with intent to distribute a controlled substance, methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii).

Sentencing and revocation proceedings were originally scheduled for September 6, 2018. ECF 34. The parties requested a continuance due to a delay in delivery of the PSR. ECF 36. The Court granted this request. ECF 37. On August 24, 2018, defense counsel Winckler asked to withdraw from the case due to health issues, current medications, and other health impediments. ECF 38. Defense counsel Winckler requested that defense counsel Monti J. Levy be appointed CJA counsel to represent Mr. Inzunza-Sierra as Ms. Levy is a part of the same law firm and an appointed member to the CJA Panel. *Id.* On August 28, 2018, this Court granted the request. ECF 39. On November 9, 2018, the parties filed a second stipulation to continue sentencing at the government's request. ECF 41. The court granted the request. ECF 42.

On November 15, 2018 a sentencing reform bill was introduced into Congress. This reform bill is called the First Step Act. It has been widely publicized in the past few days with both a Bi-Partisan Congress and President encouraging its passage. President Trump has agreed to sign the sentencing reform bill, and there appears to be more than enough votes to pass the proposed bill. The current version of the proposed bill includes language to reduce mandatory minimums for certain drug offenses and provide additional safety valve considerations given a defendant's current offense of conviction and prior criminal history. Such changes, if it became law, may impact Mr. Inzunza-Sierra's case. Additionally, any proposed changes may not be retroactive. Therefore, it is important for defense counsel to consider this kind of impact on Mr. Inzunza-Sierra's custodial sentence. Given the potential for imminent change to the law

1 that could affect Mr. Inzunza-Sierra, counsel requests a 90-day continuance to evaluate the
2 strength of the proposed law. Additionally, the 90-day continuance is requested to evaluate
3 Congress's intention to pass the law and present it to the President for signature.

4 DATED this 16th day of November, 2018.

5 WRIGHT MARSH & LEVY

6

7 By: /s/ Monti J. Levy

8 MONTI J. LEVY
9 Attorney for Mr. Inzunza-Sierra

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

BENITO ALBERTO INZUNZA-SIERRA,

Defendant.

Case Nos. 2:18-CR-00038-APG-NJK
2:18-CR-00047-APG-NJK

PROPOSED ORDER

IT IS SO ORDERED that the sentencing and revocation hearing currently scheduled for Tuesday, November 20, 2018 at 9:30 a.m. be vacated and continued to December 6, 2018 at 10:00 a.m. in Las Vegas Courtroom 6C.

DATED this 19th day of November, 2018.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that she is an employee of Wright Marsh & Levy and is a person of such age and discretion as to be competent to serve papers.

That on November 6, 2018, she served an electronic copy of the above and foregoing **Motion to Continue Sentencing and Revocation Hearing** by electronic service (ECF) to the person named below:

DAYLE ELIESON
United States Attorney
Brandon Jaroch
Assistant United States Attorney
501 Las Vegas Blvd. South
Suite 1100
Las Vegas, NV 89101

/s/ Debbie Caroselli
Employee of Wright Marsh & Levy